

**REAL ESTATE APPRAISERS BOARD MEETING
MINUTES
November 10, 2004**

PRESENT: Roger Roslansky, Karen Scott, Sharon Fiedler, LaMarr Franklin, and Mark Kowbel

STAFF PRESENT: Jerry Lowrie, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Pat Schenck, Program Assistant; and Division of Enforcement Staff.

GUESTS: Debbie Conrad, WRA

CALL TO ORDER

LaMarr Franklin, Chair, called the meeting to order at 9:05 a.m. A quorum of five voting members was present.

AGENDA

Additions to Agenda:

- Add Codebook Policy under Administrative Report
- Closed Session: Monitoring - Ralph Banke
Joseph Haselwander

MOTION: Sharon Fiedler, seconded by Mark Kowbel, to adopt the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES AUGUST 11, 2004

MOTION: Sharon Fiedler moved, seconded by Mark Kowbel, to approve the minutes of August 11, 2004 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
BOARD ROSTER**

Noted.

2005 MEETING DATES

The next REA meeting is March 2, 2005.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

TO-DO LIST

Noted.

REGULATORY DIGEST ARTICLES

Mr. Lowrie reported on an upcoming newsletter that will be posted on the Department's web site.

MONITORING LIAISON

MOTION: Roger Roslansky moved, seconded by Mark Kowbel, to nominate Sharon Fiedler to serve as the Board's monitoring liaison. Motion carried unanimously.

CODE BOOK POLICY

Mr. Lowrie reported on the Departments new codebook policy. The Department will no longer be printing hard copies of the statutes and administrative codebooks for the professions.

Customers will have three choices for getting the statutes and administrative codes:

1. Print statutes and administrative code from the Department's web site,
2. purchase a printed copy from Document Sales at a cost of \$15.00 for the smallest books, \$20.00 for the mid-sized books and \$25.00 for the larger books, or
3. purchase the entire code book on CD from Document Sales for approximately \$ 6.50.

These prices include shipping and handling.

TRAVEL AARO FALL CONFERENCE, OCTOBER 9-12, 2004, WYNDHAM WASHINGTON HOTEL, WASHINGTON DC REPORT BY SHARON FIEDLER

Sharon Fielder reported on the AARO Fall Conference she attended in Washington DC on October 9-12, 2004. Some of the highlights included:

- Ten states in the last 18 months failed to comply with Federal law.
- 2005 USPAP is effective 1/1/05.
- The next scope of work exposure draft will be out in early December with 2-3 more drafts expected.
- The Appraisal Foundation has 502 approved USPAP instructors.
- New website – national tracking database for students who have attended USPAP course.
- As of 1/1/05 students can no longer use the 15 hour USPAP to satisfy the 7 hour requirement.
- The Foundations redesigned website will be out in early 2005.
- A practice-based exam, is being developed after experience is gained.
- Conducting an occupational analysis on what an appraiser does in practice, time allocation, skills needed.

- An instruction guidebook for new trainees is being developed to assist students in tracking hours, courses.
- Courses submitted for approval after August, 2004 will contain the matrix/requirements to be compliant for January 1, 2008.
- The Appraisal Foundations web site is the clearinghouse for the states.
- Presentation given on interview techniques, skills needed, observed behavior, types of deception and ways we implicate ourselves when we attempt to deceive.
- Milwaukee is under consideration for a site of future conferences in the Spring of 2006.
- Appraisal experience.
- What's new with education and CAP?
- Eleven forms are being revised.
- Issues discussed in Region I and Region II break-out-session included:
 - January 1, 2008 will increase state work, lack of staff and budget issues to review college credits on applications.
 - AQB course approval fees.
 - Concern over documentation of college credits
 - Test problems with Promissor
 - Many applications are waiting for review
 - Develop guidelines for supervisor training and regulation to limit the number of trainees.

LEGISLATION AND ADMINISTRATIVE RULES FINAL REVISIONS TO CHAPTER RL 80-85

Ms. Jefferson Moore reported on the final revisions to Chapters RL 80-85 and the scope statement to make revisions.

REVIEW OF REVISIONS TO RL 80-87

Ms. Jefferson Moore distributed recent revisions to Chapters RL 80-87.

RL 4.01 CRIMINAL BACKGROUND CHECKS – EMERGENCY RULE

Mr. Lowrie reported that the emergency rule is in response to federal public law which required authorization by state statute to continue the FBI's policy of honoring state requests for criminal background reports. The rule modifies the authority of the Department to conduct criminal background checks of applicants and requires rule making by the Department to conduct investigations whether an applicant for or holder of any credential issued by the Department has been charged with or convicted of a crime.

The emergency rule preserves the ability of the Department to continue its practice of conducting criminal background investigations of applicants and credential holders and eliminates the ability of the Department to exempt peace officers from the fingerprinting requirement for credentialing as a private detective or private security person.

As part of an investigation, the Department may require a credential holder to be photographed and fingerprinted. The Department may refer photographs and fingerprints so obtained to the Department of Justice for internal analysis or submission of the fingerprint cards to the Federal Bureau of Investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

**EDUCATION, EXPERIENCE AND EXAMINATION ISSUES
REPORT OF THE REA EDUCATION AND EXPERIENCE ADVISORY COMMITTEE
MEETING OF NOVEMBER 9, 2004**

Ms. Jefferson-Moore reported on the REA Education and Experience Advisory Committee meeting on November 9, 2004. The Committee recommended changes to the rules, discussed the implementation date at length, and deferred changing the date until their March 2005 meeting. Setting a date for the core curriculum needs to be resolved. The Board feels that RL 83.01(3)(e) should not be deleted. Ms. Jefferson Moore will bring this item back to the Committee for further discussion.

**DISCUSSION RELATING TO ESTABLISHING A BOARD OUTREACH PROGRAM –
JERRY LOWRIE**

Mr. Lowrie discussed whether or not the Board would be interested in conducting an outreach program where credential holders could receive continuing education credits by attending a one day event put on by the Board and could be called “A Day with the Board”. There are three USPAP instructors members on the advisory committee.

EXPERIENCE HOURS – FINDING PERSONS TO REVIEW EXPERIENCE HOURS

Ms. Jefferson-Moore reported on the Real Estate Appraisers Application Advisory Committee that was formed to review applications and the criteria for selecting the Committee members. Karen Scott will Chair this Committee. Applications to be reviewed are from new applicants, upgrading applicants and reciprocal applicants. Recommendation from the Board is to have appraisals applications reviewed under standard three. Review of appraisals must be kept confidential and discussions will take place in closed session.

**CONTINUING EDUCATION
FEASIBILITY OF REAL ESTATE APPRAISERS ATTENDING A REA BOARD
MEETING FOR CE CREDIT – JERRY LOWRIE**

Mr. Lowrie reported that having credential holders attend a regular scheduled Board meeting would not be a good learning tool for continuing education as there would be no focus of a study topic.

PRACTICE ISSUES

None.

APPRAISER QUALIFICATIONS BOARD

Real Estate Appraisers Board
November 10, 2004

**REAL PROPERTY APPRAISER QUALIFICATION CRITERIA, EFFECTIVE
JANUARY 1, 2008**

Ms. Jefferson-Moore reported on the new AQB criteria.

REVIEW OF REVISED CHART OUTLINING NEW AQB REQUIREMENTS

Mr. Jefferson-Moore reviewed the revised chart outlining new AQB requirements with the Board.

APPRAISAL SUBCOMMITTEE'S AMENDMENTS TO ASC POLICY STATEMENT 10

The Board reviewed and discussed the amendments to ASC Policy Statement 10 that becomes effective on January 1, 2005.

**APPRAISAL STANDARDS BOARD
DISCUSSION OF EXPOSURE DRAFTS ON PROPOSED REVISIONS TO USPAP
ADVISORY OPINIONS**

The Board reviewed a request from the Appraisal Standards Board encouraging all interested parties to provide comments on the First Exposure Draft of Proposed Revisions to the Uniform Standards of Professional Appraisal Practice (USPAP) relating to the Scope of Work Project.

SCOPE OF WORK PROJECT

Information only.

2004 ASB MEETING JUNE 15, 2004, KANSAS CITY, MO

The Board reviewed a summary of proposed edits to the Second Exposure Draft for the 2005 edition of USPAP from the Appraisal Standards Board's third public meeting and work session held on June 15, 2004 in Kansas City Mo.

USPAP Q & A OCTOBER 2004

The Appraisal Standards Board USPAP "Questions and Answers" is issued to inform appraisers, regulators, and users of appraisal services of the ASB responses to questions raised by regulators and individuals, to illustrate the applicability of the Uniform Standards of Professional Appraisal Practice (USPAP) in specific situations, and to offer advice from the ASB for the resolution of appraisal issues and problems.

BOARD MEMBER ACTIVITY

None.

NEW BUSINESS

None.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

The following stipulations were not presented in open session.

Robert O. Simonson 04 APP 008
Anthony L. Rasberry 04 APP 017
Lori Ann Gennerman 04 APP 011
Patrick J. Collins 04 APP 010
Brian K. Gorges 04 APP 012
Roger D. Butler 04 APP 018
Jere L. Hendrickson 04 APP 013
Peter H. Gloodt 04 APP 019
John Dalby and James G. Buchta 00 APP 007

INFORMATIONAL MATTERS NATIONAL ASSOCIATION OF MASTER APPRAISERS - MASTER APPRAISER NEWSLETTER.

Information only.

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: Karen Scott moved, seconded by Roger Roslansky, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Sharon Fiedler-yes, Mark Kowbel-yes, Roger Roslansky-yes, LaMarr Franklin-yes, Karen Scott-yes.

Open Session recessed at 10:50 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mark Kowbel moved, seconded by Sharon Fiedler, to reconvene into Open Session at 11:42 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MONITORING REPORT ALLEN BAEHR 02 APP 018

MOTION: Mark Kowbel moved, seconded by Sharon Fielder, to grant full reinstatement of Allen Baehr's residential appraisers license. Motion carried unanimously.

THOMAS QUINLAN

MOTION: Mark Kowbel moved, seconded by Karen Scott, to grant full reinstatement of Thomas Quinlan's licensed real estate appraiser license. Motion carried unanimously.

JOHN WALSH 00 APP 016

MOTION: Roger Roslansky moved, seconded by Mark Kowbel to accept the surrender of Mr. Walsh's certified general license subject to his receiving a residential appraiser license. Motion carried unanimously.

JOE HASELWANDER

MOTION: Mark Kowbel moved, seconded by Karen Scott, to grant a final 90-day extension to Joe Haselwander to comply with all education requirements. Motion carried unanimously.

RALPH BANKE

MOTION: Karen Scott moved, seconded by Roger Roslansky , to deny Ralph Banke's request for removal of limitations. Motion carried.

CASE CLOSINGS
01 APP 024

MOTION: Roger Roslansky moved, seconded by Karen Scott, to close case **01 APP 024** for insufficient evidence. Motion carried.

04 APP 014

MOTION: Mark Kowbel moved, seconded by Roger Roslansky, to close case **04 APP 014** for compliance gained. Motion carried.

01 APP 022

MOTION: Roger Roslansky moved, seconded by Sharon Fiedler, to close case **01 APP 022** for prosecutorial discretion (P2). Motion carried.

01 APP 031

MOTION: Mark Kowbel moved, seconded by Roger Roslansky, to close case **01 APP 031** for prosecutorial discretion (P3). Motion carried.

PROPOSED DECISION

None.

STIPULATIONS
ROBERT O. SIMONSON 04 APP 008

MOTION: Sharon Fiedler moved, seconded by Mark Kowbel, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Robert O. Simonson 04 APP 008**. Motion carried unanimously.

ANTHONY L. RASBERRY 04 APP 017

MOTION: Roger Roslansky moved, seconded by Mark Kowbel, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Anthony L. Rasberry 04 APP 017**. Motion carried unanimously.

LORI ANN GENNERMAN 04 APP 011

MOTION: Sharon Fielder moved, seconded by Roger Roslansky, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Lori Ann Gennerman 04 APP 011**. Motion carried unanimously.

PATRICK J. COLLINS 04 APP 010

MOTION: Karen Scott moved, seconded by Mark Kowbel, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Patrick J. Collins 04 APP 010**. Motion carried unanimously.

BRIAN K. GORGES 04 APP 012

MOTION: Roger Roslansky moved, seconded by Karen Scott, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Brian K. Gorges 04 APP 012**. Motion carried unanimously.

ROGER D. BUTLER 04 APP 018

MOTION: Sharon Fiedler moved, seconded by Roger Roslansky, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Roger D. Butler 04 APP 018**. Motion carried unanimously.

JERE L. HENDRICKSON 04 APP 013

MOTION: Mark Kowbel moved, seconded by Roger Roslansky, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter

concerning **Jere L. Hendrickson 04 APP 013**. Motion carried unanimously.

PETER H. GLOODT 04 APP 019

MOTION: Mark Kowbel moved, seconded by Roger Roslansky, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Peter H. Gloodt 04 APP 019**. Motion carried unanimously.

JOHN DALBY AND JAMES G. BUCHTA 00 APP 007

MOTION: Roger Roslansky moved, seconded by Mark Kowbel, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **John Dalby and James G. Buchta 00 APP 007**. Sharon Fiedler case advisor. Motion carried.

**ADMINISTRATIVE WARNING
CONFER WITH LEGAL COUNSEL
SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

ADJOURNMENT

MOTION: Karen Scott moved, seconded by Mark Kowbel, to adjourn the meeting at 11:55 a.m. Motion carried unanimously.

Next Meeting: March 2, 2005